

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

HINERWADEL'S INC.

Plaintiff,

vs.

Civil Action No.
5:06-CV-111 (NAM/DEP)

GENERAL BAG CORPORATION

Defendant.

APPEARANCES:

OF COUNSEL:

Wall, Marjama Law Firm
250 Clinton Street
Suite 300
Syracuse, New York 13202
For Plaintiff

DENIS J. SULLIVAN, ESQ.
JAMES R. MULDOON, ESQ.

Bond, Schoeneck Law Firm
One Lincoln Center
Syracuse, New York 13202-1355
For Defendant

GEORGE McGUIRE, ESQ.
DAVID L. NOCILLY, ESQ.

⌘ NORMAN A. MORDUE, CHIEF U.S. DISTRICT JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

I have been informed by Magistrate Judge David E. Peebles that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this

action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: December 5, 2006

Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge